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C O N F I D E N T I A L SECTION 01 OF 02 BANGKOK 001774

SIPDIS

DEPARTMENT FOR EAP/BCLTV

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SUBJECT: OPPOSITION MEMBER OF PARLIAMENT FACES LESE MAJESTE CHARGES

Classified By: Political Counselor Robert J. Clarke, Reason: 1.4, (b)

**¶1.** (U) Summary. A respected opposition Member of Parliament (MP), Khunying Kallaya Sophonpanich, has been summoned for questioning by Thai police on charges of lese majeste. Four others were questioned, including Democrat Party parliamentary candidate Thansom Onkhetpol, who lost in the February 6 general election, and three party workers. The charges are based on a complaint filed by the government Thai Rak Thai (TRT) Party candidate who opposed Thansom and who reported to police in mid-January that Democrat Party (DP) campaign stickers reportedly used by Thansom illegally quoted Thailand's revered King and Queen. End Summary.

**¶2.** (U) On March 8, Khunying Kallaya Sophonpanich, Thansom Onkhetpol and three Democrat Party workers appeared at the Metropolitan Bangkok Police Division 1 at the request of the police and public prosecutor, who are investigating lese majeste charges filed against them by Thai Rak Thai MP Sita Divari. The accused appeared with former DP Party Leader Banyat Bantadtan, who recently stepped down following his party's defeat in February 6 general elections. Also present was DP MP and prominent defense attorney Phichet Phanvichartkul. (Note: The DP won only 96 of the total 500 seats in the lower house of Thailand's Parliament. The ruling TRT party won 377. End note.)

**¶3.** (U) Under the Penal Code of Thailand, "Whoever defames, insults or threatens the King, the Queen, the Heir-apparent or the Regent shall be punished with imprisonment of three to fifteen years." The charges in this case are based on campaign stickers (reportedly similar in size to a US style bumper sticker) printed and paid for by the local office of the DP in Bangkok's Klong Toey constituency. Three quotes are used in the stickers, according to newspaper accounts. The first is an excerpt from a speech given by Queen Sirikit, "Poverty is no disgrace, while evil and fraud are disgusting and disgraceful." The other two excerpts are from speeches given by King Bhumibol. "The richer people are, the more they cheat," and "Anyone who cheats (or is corrupt), even just a little bit, may that person be cursed." The complaint by MP Sita apparently alleges that the DP did not receive permission to print the quotes and that the DP is using the revered words of the monarchy for political gain. Khunying Kalaya is accused of ordering the printing and distribution of the stickers in the role of senior politician assisting the campaign of Thansom.

**¶4.** (U) It's unclear to most legal experts how this can be construed as defaming the monarch as the quotes are taken from public speeches and there is no prohibition on quoting the King or Queen in public. Initial news reports indicated that the stickers actually had no political party identification, although Poloffs have never seen the stickers or even pictures of them. In fact the stickers have never been shown up close in public, since anyone who now shows the stickers could also be accused of lese majeste. The police stated they had already interviewed 18 witnesses before questioning the accused. After taking statements of the 5 persons named in the complaint, the public prosecutor could now decide whether to ask the police to issue arrest warrants. In that case, Khunying Kalaya would be immune from arrest during parliamentary sessions.

**¶5.** (U) Khunying Kalaya, who had the title of "Khunying" bestowed on her over 10 years ago in part in recognition of her philanthropic works through Royally-sponsored projects for children's books and encyclopedias, appears undeterred in her efforts to fight the charges. During a local television interview on the front steps of the police station where she was interrogated, Khunying Kalaya stated, "I will be put in prison or even die in order to uphold justice and the preservation of a true constitutional monarchy." Democrat party leader Abhisit Vejjajiva earlier pledged to cooperate with the investigation but expressed concern that evidence used by the police had not been presented to the Democrat Party or their lawyers in order to help them mount a fair defense.

**¶6.** (C) Comment: Use of this arcane but very important tenet of Thai criminal law by a government parliamentary candidate for political retribution is disturbing. This tactic, which

likely had to be approved at the highest levels of TRT leadership to proceed this far, seems unnecessary and vindictive after the TRT electoral landslide and surprise sweep of the MP constituency races in Bangkok. We are watching closely as someone clearly dedicated to Thailand's revered monarch and to public service is drawn into a legal spectacle. Privately, many Thais have expressed to us their hope that Khunying Kalaya's palace connections will find a way to have the charges dropped. End comment.

BOYCE